

SPECIAL MEETING OF THE
OKLAHOMA WORKERS' COMPENSATION
COMMISSION

~ APPEALS ~

Friday January 12, 2018

9:00 a.m.

Commission Chambers

1915 N. Stiles Ave.

Oklahoma City, Oklahoma

www.wcc.ok.gov

MINUTES

Members present: Chairman Mark Liotta, Commissioner Jordan Russell and Commissioner Megan Tilly.

Staff present to support the Commission: Lindsey Christopher, Dana Esparza and Monica Pack.

STATEMENT OF OKLAHOMA OPEN MEETING LAW
COMPLIANCE

Notice of this Regular Meeting was filed with the Secretary of State's office on Monday, November 13, 2017 at 9:05 a.m., in compliance with the Open Meeting Act.

The Agenda was posted more than 48 hours in advance of the meeting, in compliance with the Open Meeting Act. It was posted on the Commission website and at 1915 North Stiles, the Commission's principal office.

CALL TO ORDERPresiding Appellate Officer, Chairman Liotta

Call to order 9:00 a.m. by Chairman Liotta, Presiding Appellate Officer.

ROLL CALLPresiding Appellate Officer, Chairman Liotta

After the roll call was taken, Chairman Liotta announced the presence of a Quorum.

A. MINUTES:

- The drafted Minutes of the Regular Appeal Meeting of December 15, 2017 Meetings were considered for approval.

Commissioner Liotta presented the minutes of the December 15, 2017 Regular Meeting for approval.

Motion: Commissioner Tilly made a motion to approve the minutes of the December 15, 2017 Regular Meeting.

Second: Commissioner Russell

Those Voting Aye: Commissioner Liotta and Commissioner Russell.

THE MOTION CARRIED: MINUTES APPROVED

B. Appeal Hearings before the Commission En Banc from Orders Issued by the Commission's Administrative Law Judges

O'Neal R. Gillispie v. Estes Express Lines Inc. & New Hampshire Insurance Co. File # CM2014-03399K

Respondent filed an appeal from the order issued by Administrative Law Judge Sommer. Joey Chiaf represented the Claimant. J. Nick Crews represented the Respondent.

Motion:

After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Russell moved to take this matter under advisement.

Second: Commissioner Tilly

Those Voting Aye: Commissioner Liotta, Commissioner Russell and Commissioner Tilly.

THE MOTION CARRIED: TAKEN UNDER ADVISEMENT

Belinda Jo Park v. Tulsa Employee Solutions LLC & Great American Insurance File # CM2014-10363X

Claimant filed an appeal from the order issued by Administrative Law Judge Curtin. Esther M. Sanders represented the Claimant and Jacob Jean represented the Respondent.

Motion:

After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Tilly moved to affirm the Administrative Law Judge's order and issue an order authorizing the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

Second: Commissioner Russell

Those Voting Aye: Commissioner Liotta and Commissioner Russell and Commissioner Tilly.

THE MOTION CARRIED: ALJ ORDER AFFIRMED

John G. Jackson v. Rent A Center Inc. & Hartford Accident & Indemnity Co., File #CM2015-07532A

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. David Custar represented the Claimant and Richard W. Wassall represented the Respondent.

Motion:

After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Tilly moved to affirm the Administrative Law Judge's order and issue an order authorizing the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

Second: Commissioner Russell

Those Voting Aye: Commissioner Liotta and Commissioner Russell and Commissioner Tilly.

THE MOTION CARRIED: ALJ ORDER AFFIRMED

Danny Lane v. Home Improvements of Stillwater & CompSource Mutual Ins. Co., File #CM2015-01695X

Respondent filed an appeal from the order issued by Administrative Law Judge Egan. Daniel M. Davis represented the Claimant and Jacob Jean represented the Respondent.

Motion: After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Russell moved to take this matter under advisement.

Second: Commissioner Tilly

Those Voting Aye: Commissioner Liotta, Commissioner Russell and Commissioner Tilly.

THE MOTION CARRIED: TAKEN UNDER ADVISEMENT

Danny James Sharp v. Homeland Stores Inc. HAC Inc. (Own Risk #20023) #CM2015-03954H

Claimant filed an appeal from the order issued by Administrative Law Judge McMillin. Lewis A. Berkowitz represented the Claimant and Tyler Horton represented the Respondent.

Motion:

After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Russell moved to affirm the Administrative Law Judge's order and issue an order authorizing the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

Second: Commissioner Tilly

Those Voting Aye: Commissioner Liotta and Commissioner Russell and Commissioner Tilly.

THE MOTION CARRIED: ALJ ORDER AFFIRMED

Daniel Scrogam v. Williams Food & Federated Mutual Insurance Co., File #CM2016-03859H

Respondent filed an appeal from the order issued by Administrative Law Judge Egan. Gary R. Morris is the attorney of record for the Claimant and Jeffrey D. Black is the attorney of record for Respondent.

Motion:

After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Tilly moved to deny the Motion to Dismiss and affirm the Administrative Law Judge's order and issue an order authorizing the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

Second: Commissioner Russell

Those Voting Aye: Commissioner Liotta and Commissioner Russell and Commissioner Tilly.

THE MOTION CARRIED: ALJ ORDER AFFIRMED

Brannon L. Feb v. KBR Inc. & Ace American Insurance Co., File #CM2016-06167L

Claimant filed an appeal from the order issued by Administrative Law Judge Sommer. Lewis Berkowitz the Claimant and John A. McCaleb represented the Respondent.

Motion:

After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Russell moved to affirm the Administrative Law Judge's order and issue an order authorizing the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

Second: Commissioner Tilly

Those Voting Aye: Commissioner Liotta and Commissioner Russell and Commissioner Tilly.

THE MOTION CARRIED: ALJ ORDER AFFIRMED

Brandon Jamelle Sumlin v. Expressways Rental Properties & CompSource Mutual Ins. Co. (FKA CompSource Oklahoma) File #CM2016-06761X

Respondent filed an appeal from the order issued by Administrative Law Judge Sommer. Gary Prochaska represented the Claimant and Peter Mills represented the Respondent.

Motion: After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Tilly moved to affirm the Administrative Law Judges Order with one agreed amendment.

Second: Commissioner Russell

Those Voting Aye: Commissioner Liotta, Commissioner Russell and Commissioner Tilly.

THE MOTION CARRIED: AFFIRMED

C. Commission Consideration of Adoption of Final Order in the Following Case:

Crescencio Rodriguez v. Trinity Industries Inc. & Ace American Insurance Co., File #CM2016-07223L

Claimant filed an appeal from the order issued by Administrative Law Judge Sommer. Craig R. Armstrong is the attorney of record for the Claimant and Travis A. Fulkerson is the attorney of record for Respondent.

This case came on for Oral Argument on December 15, 2017. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission continued the case to allow the parties time to brief Speedy Trial Issue.

Motion: Commissioner Russell moved to continue this matter.

Second: Commissioner Tilly

Those Voting Aye: Commissioner Liotta, Commissioner Russell and Commissioner Tilly.

THE MOTION CARRIED: CONTINUED

D. Announcements

Commission's next regular business meeting is Thursday, February 8, 2018. Commission's next regular meeting regarding Appeals is scheduled for Friday, February 9, 2018.

ADJOURNMENT

Motion: Commissioner Tilly moved to adjourn the meeting at approximately 2:40 p.m.

Second: Commissioner Russell

Those Voting Aye: Commissioner Liotta and Commissioner Russell and Commissioner Tilly.

THE MOTION CARRIED: THE MEETING WAS ADJOURNED.